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## Plaintiffs' Interim Lead Counsel

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

1        WHEREAS, the parties moved jointly on August 14, 2009 to extend the class certification  
2 discovery schedule and to adjourn the class certification motion hearing date from December 7,  
3 2009 to June 2010 [Docket Nos. 197-198] and on August 20, the Court granted the joint motion in  
4 part and rescheduled the class certification hearing from December 7, 2009 to March 22, 2010  
5 [Docket No. 199];

6        WHEREAS, On October 7, 2009, Plaintiffs moved for an order enlarging the class  
7 certification discovery and briefing schedule [Docket No. 207], and on October 16, 2009, the  
8 Court granted Plaintiffs' motion and extended Plaintiffs' deadline for filing their motion for class  
9 certification to January 8, 2010, moved the class certification hearing to April 26, 2010, and set the  
10 deadline for any motions pertaining to class discovery disputes for December 11, 2009 [Docket  
11 No. 211];

12        WHEREAS, in the meantime, counsel for Plaintiffs and Defendant Apple, Inc. ("Apple")  
13 have been meeting and conferring about Plaintiffs' requests for production, including the  
14 production of computer source code for iPhone Operating System version 1.1.1 ("Version 1.1.1");

15        WHEREAS, Plaintiffs filed a Motion for an Order Compelling Apple to Produce  
16 Documents, Including iPhone Source Code on November 18, 2009;

17        WHEREAS, on December 11, 2009, Plaintiffs and Apple resolved their discovery dispute  
18 surrounding production of that portion of Version 1.1.1 in Apple's possession (versus in  
19 possession of third-party Infineon Technologies North America Corp. (IFNA));

20        WHEREAS, Plaintiffs also served IFNA with a subpoena to produce documents and  
21 source code for the baseband firmware portion of Version 1.1.1 on November 11, 2009, to which  
22 ITNA served objections on November 23, 2009;

23        WHEREAS, counsel for Plaintiffs and counsel for third-party Infineon are currently  
24 meeting and conferring in an effort to resolve the discovery dispute without the need for the  
25 Court's intervention;

26        WHEREAS, Apple produced for inspection by Plaintiffs' computer expert a limited  
27 portion of Version 1.1.1 source code on December 10, 2009;

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STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINES RELATED TO PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION - Master File No. C 07-05152 JW

1           WHEREAS, Plaintiffs' computer expert's time is committed in another case, which will  
2 prevent him reviewing additional source code until on or after December 29, 2009;

3           WHEREAS, Plaintiffs and Apple have agreed to hold the 30(b)(6) deposition of Apple  
4 concerning Version 1.1.1 after Plaintiffs' expert has had an opportunity to review the source code  
5 for Version 1.1.1;

6           WHEREAS, as late as December 10, 2009 defendants received certain documents from  
7 plaintiffs in response to defendants' various requests for production, and the parties are continuing  
8 to meet and confer regarding this;

9           THEREFORE, the parties hereby stipulate to extend the remaining deadlines related to  
10 Plaintiffs' motion for class certification by approximately two weeks, subject to the Court's  
11 approval, as follows:

12           1.       Any motions pertaining to outstanding discovery disputes related to iPhone source  
13 code or Plaintiffs' production of documents shall be due on Monday, December 28, 2009;

14           2.       Plaintiffs shall file their motion for class certification on or before January 22,  
15 2009;

16           3.       Defendants shall file their opposition to Plaintiffs' motion for class certification on  
17 or before March 16, 2009;

18           4.       Plaintiffs shall file their reply to their motion for class certification on or before  
19 April 19, 2009;

20           5.       The hearing on Plaintiffs' motion for class certification shall be held on May 10,  
21 2009 at 9:00 a.m., or at the Court's earliest convenience thereafter.

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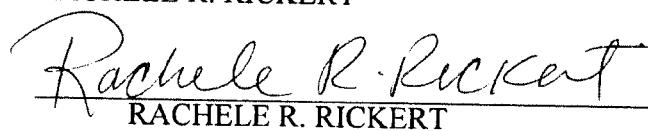
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STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINES RELATED TO PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION - Master File No. C 07-05152 JW

1 DATED: December 11, 2009

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Respectfully Submitted,  
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Plaintiffs' Interim Lead Counsel

STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINES RELATED TO PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION - Master File No. C 07-05152 JW

1 DATED: December 11, 2009

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19 DATED: December 11, 2009

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29 Counsel for Defendant Apple Inc.

30 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

31 DATED: December 16, 2009

32 *James Ware*  
33 HONORABLE JAMES WARE  
34 UNITED STATES DISTRICT COURT

35 APPLE:17330.STIP

36 STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINES RELATED TO PLAINTIFFS' MOTION  
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